

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL**

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Case No. **EDCV 23-1683 JGB (SPx)**

Date **February 8, 2024**

Title ***Dennis Cooper v BS Kings Liquor Inc, et al***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order DISMISSING Plaintiff's Complaint for Failure to Prosecute
(IN CHAMBERS)**

On August 18, 2023, Plaintiff filed a complaint against defendant BS Kings Liquor, Inc. (“Defendant”). (“Complaint,” Dkt. No. 1.) On January 15, 2024, the Court ordered Plaintiff to show cause in writing by February 5, 2024, why this action should not be dismissed for lack of prosecution. (“OSC,” Dkt. No. 15.) On February 2, 2024, Plaintiff filed a proof of service which stated that the Complaint was served on Defendant on February 2, 2024. (“POS,” Dkt. No. 16.) To date, Plaintiff has not filed anything additional that would indicate that there was good cause for this delay.

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). In waiting 168 days after the filing of the Complaint to serve Defendant, Plaintiff failed to comply with Federal Rule of Civil Procedure 4(m).

Federal Rule of Civil Procedure 41(b) grants the Court authority to sua sponte dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). Plaintiffs must prosecute their cases with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Plaintiff has failed to comply with the Federal Rules of Civil Procedure. Accordingly, the Court finds that dismissal is appropriate.

Accordingly, the Court **DISMISSES** Plaintiff’s action for failure to prosecute and **DIRECTS** the Clerk to close the case.

IT IS SO ORDERED.